CHAPTER 611
DRIVER'S PRIVACY PROTECTION—
DRIVER'S LICENSE AND
NONOPERATOR'S IDENTIFICATION CARD

761—611.1(321) Applicability.
611.1(1) This chapter applies to personal information in records pertaining to drivers' licenses and nonoperators' identification cards. In addition to information on current licensees and card-holders, these records include information on individuals who do not currently hold a driver's license or nonoperator's identification card. Operating records and records of driver sanctions are two examples.
611.1(2) Rules regarding personal information about vehicle owners in records pertaining to certificates of title and vehicle registration are found in 761—Chapter 415.

761—611.2(321) Adoption. The department adopts the Driver's Privacy Protection Act of 1994 (18 U.S.C. § 2721 et seq.) for driver's license records and nonoperator's identification card records.
This adoption renders confidential only personal information contained in a record when the individual who is the subject of the personal information has requested confidentiality pursuant to this chapter.

761—611.3(321) Definitions.
"Act" means the Driver's Privacy Protection Act of 1994.
"Driver's license" means "license" as defined in rule 761—600.1(321).
"Law enforcement agency" includes, but is not limited to, county attorneys, federal district attorneys, attorneys general, and state and federal departments of justice.
"Motor vehicle record" as used in the Act means any record that pertains to a driver's license, nonoperator's identification card, certificate of title, registration receipt, or registration renewal receipt issued by the department or the county treasurer.
"Personal information" means information that identifies an individual, including the items listed in Iowa Code section 321.11. "Personal information" also includes an individual's nonoperator's identification card number.

761—611.4(321) Procedures. Notwithstanding Iowa Code chapter 22 and 761—Chapter 4, the following procedures implement the Act and Iowa Code section 321.11 as they pertain to driver's license records and nonoperator's identification card records:
611.4(1) The application for a driver's license and the application for a nonoperator's identification card shall contain an area that provides an opportunity for the applicant to elect to prohibit disclosure of the applicant's personal information to the general public.
611.4(2) An individual may also elect to prohibit disclosure of that individual's personal information to the general public by submitting a written request to the office of driver services at the address in rule 761—600.2(17A).
a. The request shall include the individual's full name as shown on the license or card or in the record, current address, social security number, Iowa license or card number, if any, and signature.
b. A request to prohibit disclosure may be made at any time.

611.4(3) An individual who has elected to prohibit disclosure may rescind the earlier election by submitting a written request to the office of driver services.

a.   The request shall include the individual's full name as shown on the license or card or in the record, current address, social security number, Iowa license or card number, if any, and signature.

b.   An individual requesting to rescind an earlier election must appear before an Iowa driver's license examiner with the request to rescind and present a valid photo driver's license, valid photo nonoperator's identification card, or other photo identification card approved by the office of driver services that identifies the individual.

c.   A request to rescind an earlier election may be made at any time.

611.4(4) The department may require a person or entity who requests personal information about an individual who has elected to prohibit disclosure of personal information:

a.   To provide proof of identity or authority to secure access to the information.

b.   To submit the request in writing.

c.   To sign a certified statement or affidavit listing the specific reasons justifying access to the information and provide any proof necessary to establish relevant facts.

611.4(5) The department does not provide the waiver procedure described in the Act (codified as §2721(d)).

These rules are intended to implement Iowa Code section 321.11.

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CHAPTERS 612 to 614
Reserved